

**UNITED STATES COPYRIGHT ROYALTY JUDGES**  
**The Library of Congress**

*In re*

**DETERMINATION OF ROYALTY RATES AND  
TERMS FOR TRANSMISSION OF SOUND  
RECORDINGS BY SATELLITE RADIO AND  
“PREEXISTING” SUBSCRIPTION SERVICES  
(SDARS IV)**

**Docket No. 25-CRB-0014-  
SR/PSSR (2028-2032)**

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**NOTICE OF PARTICIPANTS, COMMENCEMENT OF VOLUNTARY  
NEGOTIATION PERIOD, AND CASE SCHEDULING ORDER**

By notice published in the *Federal Register*, the Copyright Royalty Judges (Judges) solicited Petitions to Participate in this proceeding to determine terms and rates for the licensing of digital transmission of sound recordings and: the associated making of ephemeral recordings of sound recordings by (1) satellite radio; and (2) “preexisting” subscription services, respectively. 90 Fed. Reg. 61423 (Dec. 31, 2025) (eCRB No. 77907).

Sections 112 and 114 of the Copyright Act (Act) and the procedural regulations adopted by the Judges set the terms by which preexisting subscription services (PSS) and satellite digital audio radio services (SDARs) may perform sound recordings by digital transmission to subscribers and may make ephemeral reproductions to facilitate the transmissions. *See* 17 U.S.C. §§ 114(f)(1), 112(e).

Chapter 8 of the Act and regulations adopted by the Judges and codified in Chapter III of title 37 of the Code of Federal Regulations (Rules) govern proceedings to set royalty rates and terms applicable to statutory licensees. This scheduling order details the Judges’ expectations regarding compliance with the Act and the Rules in the present rate proceeding. Specific schedule dates are set forth on Exhibit A to this Notice and Order.

**Participation in the Proceeding**

Participation in this proceeding is limited in the first instance to parties in interest who have filed a timely Petition to Participate. Attached to this Notice and Order as Exhibit B is a list of participants that have filed timely Petitions to Participate.<sup>1</sup>

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<sup>1</sup> Exhibit B includes every entity that filed a petition and paid the filing fee. The Judges have not determined whether every responding participant listed on Exhibit B has a “significant interest” in this proceeding entitling it to continued and full participation in the proceeding. Nonetheless, a putative participant must participate fully in the proceeding, unless the participant withdraws its Petition, joins with other participants and shares joint representation, or is the subject of a dismissal order.

## **Voluntary Negotiation Period**

All participants shall engage directly or by counsel in good faith settlement negotiations aimed at resolving controversies regarding the terms and rates for payment of royalty fees for digital transmission of sound recordings during the years at issue in this proceeding. The Voluntary Negotiation Period (VNP) commences on the date set forth on Exhibit A. In addition to all aspects of rates and terms for payment, the negotiations shall address expressly issues relating to categories of licensees, if any, the rate structure, and terms of recordkeeping and reporting.

On the date set forth on Exhibit A the participants shall file a Notice of Settlement only if some or all participants have agreed on the applicable royalty rates and terms for recordkeeping and reporting by licensees<sup>2</sup>. The Judges will issue an Order for Further Proceedings for all participants not reporting a settlement. Nothing in this Notice and Order or any Order for Further Proceedings limits participants' ability to continue negotiations and reach a settlement of their differences at any time during the course of the proceeding.

## **Prehearing Procedures**

The case schedule in Exhibit A denotes the order of events and the timeline for those events based upon applicable provisions of the Copyright Act and the Judges' rules<sup>3</sup>. Later, the Judges will determine other important dates that are not specifically required by statute or rules, either *sua sponte*, or upon motion of the parties, pursuant to their authority to make "any necessary procedural or evidentiary ruling[] in any proceeding ...." 17 U.S.C. § 801(c).<sup>4</sup> At any time, a participant may file a motion stating good cause to vary the schedule, within the dictates of the statute, or to propose important proceeding dates not stated in Exhibit A.

On or before the date noted on Exhibit A, any participant having or asserting an issue in controversy shall file its Written Direct Statement. After a period of discovery, on or before the date set in Attachment A, each participant may file its Amended Written Direct Statement.<sup>5</sup> The participants shall not further amend their respective Written Direct Statements after the date set in this Notice and Order.

On or before the date noted on Exhibit A to this Notice and Order (after concluding preliminary disclosure), any participant having or asserting an issue in controversy shall file its

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<sup>2</sup> Participants may notify the Judges of a settlement "in principle," but all participants shall follow the case schedule until all terms of their settlement are documented and presented for publication, comment, and approval.

<sup>3</sup> To encourage meaningful settlement negotiations and to streamline the process of participants' identification of issues, the Judges also include in the schedule for this proceeding an initial disclosure and discovery period after the Voluntary Negotiation Period and *before* the deadline to file Written Direct Statements. Cf. Fed. R. Civ. P. 26(a)(1)(A)(i) & (ii). The Judges leave the specific timing and substance of the initial disclosures to negotiation between the participants.

<sup>4</sup> The Judges encourage the participants to file any motions for protective order as soon as practicable

<sup>5</sup> The Judges shall address motions regarding discovery disputes as warranted.

Written Direct Statement. After a period of discovery, on or before the date set in Exhibit A, each participant may file a timely Amended Written Direct Statement. Without leave of the Judges the participants shall not further amend their respective Written Direct Statements after the date set in this Notice and Order.

If the participants' Joint Settlement Conference Report does not indicate full and final settlement of all issues with all participants, any participant asserting an unresolved issue shall file a Written Rebuttal Statement. Written Rebuttal Statements shall be limited to addressing assertions opposing participants made in their respective Written Direct Statements. Written Rebuttal Statements may include written testimony from rebuttal witnesses but may not address new issues that were not raised in one or more participant's Written Direct Statement. On motion and for good cause, the Judges may permit limited rebuttal discovery in their discretion

### **Prehearing Conference**

If a hearing is necessary, **approximately twenty days prior to the start date of the hearing**, the Judges will facilitate a prehearing teleconference, to discuss issues remaining for evidentiary hearing, including order of presentation, exhibit numbering, scheduling concerns, and other matters that might affect conduct of the hearing.

### **Witness and Exhibit Lists**

Not less than **fourteen days prior to the start date of the hearing**, each participant shall exchange with each other participant a list of witnesses the participant intends to call and a list of exhibits the participant intends to offer into evidence. The witness list shall include each witness's name, contact information, a brief statement of the substance of the witness's testimony, and an estimate of the time required for direct examination of the witness. The exhibit list shall include the exhibit's unique number (from a range of numbers that the CRB will assign to the participant), the title or a description of the exhibit, and whether the exhibit or any part of it is "restricted" under the terms of any protective order.

No later than **ten calendar days prior to commencement of the hearing**, the participants shall confer and eliminate duplicate exhibits. The final exhibit list for the hearing shall include all proposed exhibits and no proposed exhibit more than once. The participants shall prepare and file in eCRB a joint exhibit list that shall include each exhibit's unique number, the title or a description of the exhibit, and whether the exhibit or any part of it is "restricted" under the terms of any protective order. Participants are required to meet and confer regarding any objection listed on the joint exhibit list. Participants shall register on the joint exhibit list objections, if any, to proposed exhibits, stating the basis of each objection<sup>6</sup>. Regardless of the exhibit designation, any participant may offer into evidence any exhibit on the final exhibit list *unless* any participant objects to the admissibility of the exhibit. The Judges shall deem all

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<sup>6</sup> In the absence of extraordinary circumstances presented by motion of a participant, the Judges shall rule on evidentiary objections as and when the participants present and offer each exhibit during the hearing

objections to proposed exhibits NOT noted on the exhibit list as waived, *except* objections to relevance. No participant may utilize any unlisted exhibit, *except* as required for impeachment purposes, as rebuttal to unanticipated evidence, or to refresh recollection. The Judges shall determine admissibility of these exceptional exhibits on a case-by-case basis.

No later than **seven calendar days prior to commencement of the hearing**, the participants shall confer, prepare a joint witness list, and file that list in eCRB. The joint witness list shall include estimated time for direct-, cross-, and redirect-examination of each witness.

### **Exhibits**

Not less than **five calendar days prior to the start date of the hearing**, each participant shall file in eCRB copies of all exhibits listed on their respective exhibit lists, tabbed in the same order and with the same number as on the exhibit list.

### **Order**

The Judges hereby **ORDER** that all participants adhere to the case schedule on Exhibit A and refer to the foregoing narrative as needed for interpretation of the schedule. At any time, a participant may file a motion stating good cause to vary the schedule, within the dictates of the statute.

The Judges **FURTHER ORDER** that the participants shall notify the Judges as soon as practicable if the participants, or any of them, reach an accommodation at any time up to and including during the course of the hearing that obviates the need for further participation in the proceeding.

**SO ORDERED.**

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Trevor Jefferson  
Interim Chief Copyright Royalty Judge

DATED: March 2, 2026

## EXHIBIT A

### SDARS IV Proceeding Schedule

<b>Case Event</b>	<b>Date</b>
Initiation (publication in FR)	December 31, 2025
Deadline for Petitions to Participate	January 30, 2026
Commencement of Voluntary Negotiation Period	March 2, 2026
End of Voluntary Negotiation Period	June 3, 2026
Parties' Notice Regarding Settlement	June 8, 2026
<b>If Parties Do Not Settle:</b>	
Exchange of Preliminary Disclosures	[timing and substance subject to negotiation between participants]
Non-Settling Parties file Written Direct Statements, Commencement of Discovery Period	October 5, 2026
End of Discovery	December 4, 2026
Settlement Conference Period	December 5 – December 28, 2026
Deadline to file Amended Written Direct Statements	TBD upon a participant filing a motion for leave to file
Deadline for Written Rebuttal Statements	TBD
Deadline for Joint Settlement Conference Report	December 28, 2026
Hearing	TBD
Proposed Findings and Conclusion	TBD
Responsive Findings and Conclusions	TBD
Closing Arguments	TBD
Initial Determination	Not later than December 17, 2027

**Exhibit B**

**Participant List**

<b>Participant</b>	<b>Contact</b>	<b>Firm</b>	<b>Address</b>	<b>Phone</b>
David Powell	David Powell	<i>Pro Se</i>	P.O. Box 010950 Miami, FL 33101 davidpowell008@yahoo.com	305-539-1755
George Johnson	George D Johnson	<i>Pro Se</i>	PO Box 22091 Nashville, TN 37202 george@georgejohnson.com	615-242-9999
Music Choice	Paul Fakler	King & Spalding LLP	1290 Avenue of the Americas New York, NY 10104 pfakler@kslaw.com	212-790-5347
Sirius XM Radio LLC	Todd Larson	Weil, Gotshal & Manges LLP	767 Fifth Avenue New York, NY 10153 todd.larson@weil.com	212-310-8238
	Benjamin E. Marks	Weil, Gotshal & Manges LLP	767 Fifth Avenue New York, NY 10153 benjamin.marks@weil.com	212-310-8029
SoundExchange Joint Petitioners  American Federation of Musicians of the United States and Canada  American Association of Independent Music  Secretly Group, Inc.  Screen Actors Guild–American Federation of Television and Radio Artists	Scott Edelman	Milbank LLP	55 Hudson Yards Manhattan, NY 10001 sedelman@milbank.com	212-530-5149
	Atara Miller	Milbank LLP	55 Hudson Yards New York, NY 10001 amiller@milbank.com	212-530-5421
	Andrew Porter	Milbank LLP	55 Hudson Yards Manhattan, NY 10001 aporter@milbank.com	212-530-5361

SoundExchange, Inc. Sony Music Entertainment Warner Music Group Corp. UMG Recordings, Inc.	Alexander B Cogut	Milbank LLP	55 Hudson Yards New York, NY 10001 acogut@milbank.com	212-530-5232
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